

November 17, 2014, BLT Agenda Item Comments

Comments on the Newport Beach Board of Library Trustees (BLT) agenda items, submitted by:

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Item 4. Draft October 20, 2014 Minutes

Changes to the passages shown in *italics* are suggested in ~~strikeout~~ underline format.

Page 2, last paragraph, sentence 4: “*This policy ~~places sets~~ expectations for public behavior that ~~supports support~~ equitable access to library services, ~~and~~ defines consequences for use violations and the appeals process.*”

Page 3, first full paragraph: “*The Board thanked Library staff and the City Attorney’s staff for their assistance with this policy. **The revisions will need to be sent to City Council for approval.***”

Comment: this may well be what was said, but I don’t think it’s correct. In City Charter [Section 708\(a\)](#) the people directly empowered the BLT to “*make and enforce such by-laws, rules and regulations as may be necessary*” for “*the administration of City libraries.*” Since per [Section 405](#) the City Council exercises *only* the powers that are *not* assigned by the Charter to other entities, and since the Charter could have, but does not, say the role of the BLT is to administer policies set by or subject to approval by the Council, I take the wording to mean the library policy setting power has been assigned to the BLT, and hence the Council has no jurisdiction over it. Any presentation to the Council about library rules and regulations, including library use policies set by the BLT, would be at most a courtesy receive and file item. If the Council is unhappy with the BLT’s policies, they have the power under Charter [Section 702](#) to replace the BLT members with new ones and hope for a better result. But they do not have the power to otherwise meddle in powers assigned to the BLT.

Page 3, Item 2, paragraph 2, sentence 1: “*Tim attended a Corona del Mar ~~residence residents~~ meeting on October 9th ...*”

Page 3, Item 2, paragraph 2, sentence 3: “*Discussion continued on this ~~branches’ branch’s~~ collection.*”

Page 4, Item C.1, sentence 1: “*Director Hetherton noted that he had the opportunity to speak at the Writer’s Festival in ~~East Bluff Eastbluff~~.*” [Based on the subsequent written Activities Report (Item 5.A.2 at the present meeting) I’m guessing this is *Eastbluff* as in Eastbluff Drive, the Eastbluff Shopping Center and the Eastbluff Homeowners Community Association – rather than a similar sounding city somewhere.]

Item 5.B.2. NBPL Public Give-Away Shelf Policy

This is a great improvement over the current policy, and will enhance the library's role as a community information resource.

- The last sentence of proposed Section C (“... *announcements of public events to be held in Newport Beach* by 501(c)(3) non-profit organizations ...”) may be overly restrictive since the library-going public may be interested in events nearby, but not technically “*in*” Newport Beach.
- I believe churches are technically 501(c)(3) non-profit organizations. Is the “*engaged in educational and cultural activities that support the Library’s mission*” clause intended to prevent distribution of materials that might give the impression the library is promoting a particular religious activity? And more generally, has the City Attorney cleared the phrase as being sufficiently “content neutral”?
- The proposal (under Section D) to require materials to be initialed by library staff is a bit unclear to me. Surely not every copy of the many that may be provided for distribution is to be initialed?
- Since they are not produced by the government or a 501(c)(3), the draft policy would appear to continue to prohibit the distribution of privately-produced throw-away newspapers, such as the *School Times* [?], which at least used to, and still occasionally does appear on the shelves. Does this continue to be the intent?

Item 5.B.3. Corona del Mar Branch Project Update

It is good to see the hard-copy survey results.

Are the results of the on-line survey going to be consolidated and released for review in some form?

I also noticed in the minutes of the last BLT meeting mention of extensive internal discussion of how the “public restrooms” would be shared between the library and the fire station. Does that mean this fire station is expected to have a public meeting area component like the one in Santa Ana Heights? Otherwise I thought fire station facilities were mostly “private” (that is, intended for use by the fire personnel only).